

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

Nevada Bar No. 11015

AKERMAN LLP

1635 Village Center Circle, Ste. 200

Las Vegas, Nevada 89134

Telephone: (702) 634-5000

Facsimile: (702) 380-8572

Email: melanie.morgan@akerman.com

Email: donna.wittig@akerman.com

*Attorneys for Plaintiff U.S. Bank National
Association, as Trustee for the Banc of America
Funding 2006-D Trust*

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE BANC OF AMERICA
FUNDING 2006-D TRUST,

Plaintiff,

v.

1727 N LAMONT TRUST: LA MONTANA
HOMEOWNERS ASSOCIATION.

Defendants.

Case No.: 2:16-cv-00442-JAD-VCF

STIPULATION AND ORDER FOR DISMISSAL OF PLAINTIFF'S CLAIMS AGAINST DEFENDANTS

ECF No. 56

Plaintiff U.S. Bank National Association, as Trustee for the Banc of America Funding 2006-D Trust (**U.S. Bank**); defendant La Montana Homeowners Association (**La Montana**), and defendant 1727 N. Lamont Trust (**Lamont Trust**) stipulate as follows:

1. This matter relates to real property located at 1727 N. Lamont Street, Las Vegas, Nevada 89115, APN 140-20-814-010 (the **property**). The property is more specifically described as:

LOT TEN (10) OF LAMONTANA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 86 OF PLATS, PAGE 27, IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

2. U.S. Bank is the record beneficiary of a deed of trust encumbering the property recorded on December 28, 2005 as instrument number 20051228-0001508 with the Clark County Recorder's Office.

1 3. On or October 8, 2014, a trustee's deed upon sale was recorded as instrument number
2 20141008-0004063 with the Clark County Recorder, reflecting that La Montana purchased the
3 property at a foreclosure sale of its own lien on March 6, 2013.

4 4. On October 30, 2014, a Quitclaim Deed was recorded as instrument number 20141030-
5 0001849 with the Clark County Recorder, reflecting that La Montana conveyed any interest it had in
6 the property to Lamont Trust.

7 5. On March 1, 2016, U.S. Bank filed this action against Lamont Trust and La Montana
8 asserting La Montana's foreclosure of its lien and the HOA foreclosure deed did not extinguish the
9 deed of trust.

10 6. Lamont Trust agrees the deed of trust recorded on December 28, 2005 in Clark County
11 Recorder's office as instrument number 20051228-0001508 continues to encumber the property and
12 remains a valid lien in first position.

13 7. Lamont Trust agrees it will not contest the foreclosure of the property by U.S. Bank.

14 8. Defendants agree title to the property is quieted in U.S. Bank.

15 9. U.S. Bank agrees to dismiss its claims against La Montana and Lamont Trust in this
16 action, with prejudice, each party to bear its own fees and costs.

17 10. It is further stipulated that the notices of lis pendens recorded on March 4, 2016 as
18 document numbers 20160304-0002520 and 20160304-0002521 in Clark County Recorder's Office
19 shall be expunged.

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

The parties request the court enter an order granting this stipulation.

DATED April 9th, 2019

AKERMAN LLP

/s/ Donna M. Wittig

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

Nevada Bar No. 11015

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

*Attorneys for Plaintiff U.S. Bank National
Association, as Trustee for the Banc of America
Funding 2006-D Trust*

HOA LAWYERS GROUP, LLC

/s/ Steven T. Loizzi, Jr.

STEVEN T. LOIZZU, JR., ESQ.

Nevada Bar No. 10920

9500 West Flamingo Rd., Ste. 204

Las Vegas, NV 89147

Attorneys for 1727 N Lamont Trust

**LEACH KERN GRUCHOW ANDERSON
SONG**

/s/ Ryan D. Hastings

RYAN D. HASTINGS, ESQ.

Nevada Bar No. 12394

2525 Box Canyon Drive

Las Vegas, Nevada 89128

*Attorneys for Defendant La Montana
Homeowners Association*

Based on the parties' stipulation [ECF No. 56], IT IS SO ORDERED.

All of plaintiff U.S. Bank's claims are DISMISSED with prejudice, and with good cause appearing and no reason to delay, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that title is quieted in favor of U.S. Bank, whose deed of trust recorded on 12/28/05 in the Clark County Recorder's Office as instrument number 20051228-0001508 continues to encumber the property in first position. IT IS FURTHER ORDERED that the notices of list pendens recorded on 3/4/16 in the Clark County Recorder's Office as instrument numbers 20160304-0002520 and 20160304-0002521 shall be expunged.

Counterclaimant/Third Party Plaintiff 1727 N. Lamont Trust has until April 26, 2019, to move to lift the stay [43] or to dismiss all remaining claims.


U.S. District Judge Jennifer A. Dorsey

Dated: April 10, 2019